

REMARKS

In the Office Action¹, the Examiner took the following actions:

objected to the title;

objected to claim 8;

rejected claims 30-32 under 35 U.S.C. § 101;

rejected claims 1, 5, 6, 8, 9, 22, 23, and 27-32 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,985,850 to *Scanlan* ("*Scanlan*") in view of U.S. Patent No. 5,247,580 to Kimura et al. ("*Kimura*");

rejected claims 2, 19-21, and 26 under 35 U.S.C. § 103(a) as unpatentable over *Scanlan* and *Kimura* in view of U.S. Patent No. 6,028,514 to Lemelson et al. ("*Lemelson*");

rejected claims 3, 4, 14, and 15 under 35 U.S.C. § 103(a) as unpatentable over *Scanlan*, *Kimura*, and *Lemelson* in view of U.S. Patent No. 5,612,869 to Letzt et al. ("*Letzt*");

rejected claims 7 and 10 under 35 U.S.C. § 103(a) as unpatentable over *Scanlan* and *Kimura* in view of U.S. Patent No. 6,493,663 to Ueda ("*Ueda*");

rejected claims 11-13 under 35 U.S.C. § 103(a) as unpatentable over *Scanlan* and *Kimura* in view of U.S. Patent No. 6,602,300 to Ushioda et al. ("*Ushioda*");

rejected claims 16-18 under 35 U.S.C. § 103(a) as unpatentable over *Scanlan* and *Kimura* in view of U.S. Patent No. 6,151,571 to Pertrushin ("*Pertrushin*");

rejected claim 24 under 35 U.S.C. § 103(a) as unpatentable over *Scanlan* and *Kimura* in view of "The VI Framework Program in Europe" by Lazzari ("*Lazzari*"); and

rejected claim 25 under 35 U.S.C. § 103(a) as unpatentable over *Scanlan* and *Kimura* in view of U.S. Patent No. 5,873,055 to Okunishi ("*Okunishi*").

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant decline to automatically subscribe to any statement or characterization in the Office Action.

By this Amendment, Applicant have amended claims 1, 3, 5, 7, 9, 11, 27, and 30-32, and canceled claims 2 and 6 without prejudice or disclaimer. Claims 1, 3-5, and 7-32 and are pending and under current examination.

I. Objection to the Title

The Examiner objected to the title and suggested an amendment (Office Action at p. 2). Applicants have amended the title in accordance with the Examiner's suggestion, and respectfully request that the Examiner withdraw the objection.

II. The Objection to Claim 8

The Examiner objected to claim 8, stating that "'the number' should be changed to --a number-- in order to provide proper antecedent basis" (Office Action at p. 2). As claim 8 does not recite "the number," Applicants believe the Examiner is referring to claim 9. Claim 9 has been amended in accordance with the Examiner's suggestion, and Applicants respectfully request the Examiner to withdraw the objection.

III. The Rejection of Claims 30-32 under 35 U.S.C. § 101

The Examiner rejected claims 30-32 as allegedly directed to non-statutory subject matter, alleging that claim 30 recites a "'program' per se" (Office Action at p. 3). Amended claim 30 recites a statutory computer-readable storage medium. Claims 31 and 32 were rejected solely due to their dependence from claim 30 (Office Action at p. 4), and are therefore statutory due to their dependence from statutory claim 30. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 30-32 under 35 U.S.C. § 101.

IV. The Rejection of Claims 1, 5, 6, 8, 9, 22, 23, and 27-32 under 35 U.S.C.

§ 103(a)

Applicant respectfully traverses the rejection of claims 1, 5, 6, 8, 9, 22, 23, and 27-32 under 35 U.S.C. 103(a). A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966) . . . The factual inquiries . . . [include determining the scope and content of the prior art

and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III). In this application, a *prima facie* case of obviousness has not been established because the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Examiner has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

A. Claim 1

Independent claim 1 recites a communication support apparatus comprising, among other things, a setting unit that “sets the accuracy of translation based on a level of emergency as the level of importance, the level of emergency being higher as a feeling of emergency expressed in the source-language information becomes more intense.”

Scanlan discloses a method for automatic processing of electronic communications in a networked computer, and facilitates appropriate forms of translation to suit circumstances (*Scanlan*, abstract). *Scanlan* also discloses calculating a “quotation” for translation using parameters such as a number of words or urgency (*Scanlan*, col. 6, lines 24-30). *Scanlan* selects a quality of the required translation based on the quotation (*Scanlan*, col. 7, lines 50-52 and FIG. 6).

However, *Scanlan*'s urgency cannot correspond to the claimed "level of emergency." The claimed level of emergency is expressed in the source-language information, whereas *Scanlan*'s urgency is simply a parameter used, along with a number of words, in calculating the quotation. Therefore, *Scanlan* does not teach or suggest a setting unit that "sets the accuracy of translation based on a level of emergency as the level of importance, the level of emergency being higher as a feeling of emergency expressed in the source-language information becomes more intense" as recited by independent claim 1.

Kimura fails to cure the deficiencies of *Scanlan*. *Kimura* discloses a "voice-operated remote control system" that determines the degree of importance of a voice command applied to the remote control system" (*Kimura*, abstract). For voice commands deemed to be important, *Kimura* requires an accuracy of 90% in order to transmit the corresponding remote control signal (*Kimura*, col. 9, lines 29-40). For voice commands not deemed to be important, *Kimura* uses a lower accuracy threshold (*Kimura*, col. 9, lines 9-28). However, at best *Kimura* requires a higher translation accuracy for important commands. *Kimura* does not, however, set the translation accuracy based on whether the command is deemed to be important. Therefore, *Kimura* fails to teach or suggest a setting unit that "sets the accuracy of translation based on a level of emergency as the level of importance, the level of emergency being higher as a feeling of emergency expressed in the source-language information becomes more intense" as recited by independent claim 1.

Claim 1 incorporates subject matter similar to that recited in canceled claim 2. The Examiner cites *Lemelson* in rejecting claim 2 (Office Action at p. 10). However, *Lemelson* fails to cure the deficiencies of *Scanlan* and *Kimura*.

Lemelson discloses a method for monitoring a person's geographic location, warning the person about emergency situations in the area, and transmitting requests for assistance (*Lemelson*, abstract). *Lemelson* also discloses detecting words in speech such as "robbery" or "rape," that might be used in an emergency (*Lemelson*, col. 14, lines 27-44). *Lemelson* does not, however, set the translation accuracy based on whether an emergency word is spoken. Therefore, *Lemelson* fails to teach or suggest a setting unit that "sets the accuracy of translation based on a level of emergency as the level of importance, the level of emergency being higher as a feeling of emergency expressed in the source-language information becomes more intense" as recited by independent claim 1.

In view of the mischaracterizations of the references discussed above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why independent claim 1 would have been obvious to one of ordinary skill in view of the art. Therefore, a prima facie case of obviousness has not been established and the Examiner should withdraw the rejection of independent claim 1 under 35 U.S.C. § 103(a).

B. Claims 5, 6, 8, 9, 22, 23, and 27-32

Independent claim 5 recites a communication support apparatus comprising, among other things, "a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords."

As discussed, *Scanlan* facilitates appropriate forms of translation to suit circumstances by calculating a "quotation" for translation using parameters such as a number of words or urgency, and then selecting a quality of required translation based on the quotation (*Scanlan*, abstract, col. 6, lines 24-30, col. 7, lines 50-52, and FIG. 6). However, even assuming *Scanlan*'s urgency corresponds to the claimed level of importance, *Scanlan*'s urgency is not determined by comparing source language with keywords. Therefore, *Scanlan* does not teach or suggest "a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords," as recited by independent claim 5.

Kimura fails to cure the deficiencies of *Scanlan*. As discussed, *Kimura* discloses a "voice-operated remote control system" that determines whether a voice command is important, and requires a higher accuracy before transmitting remote control signals for voice commands deemed to be important (*Kimura*, abstract, col. 9, lines 9-40). However, at best *Kimura* requires a higher translation accuracy for important commands. *Kimura* does not, however, set the translation accuracy. Therefore, *Kimura* does not teach or suggest "a setting unit configured to set, based on the level of

importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why independent claim 5 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claim.

Independent claims 27 and 30, although of different scope from claim 5 and from each other, recite elements similar to those discussed above with respect to claim 5. Accordingly, for at least the reasons discussed above with respect to claim 5, no *prima facie* case of obviousness has been established for claims 27 and 30. Therefore, the Examiner should withdraw the rejection of claims 27 and 30 under 35 U.S.C. § 103(a).

Claims 6, 8, 9, 22, 23, 28, 29, 31, and 32 depend from claims 5, 27, or 30, and therefore include all the elements recited therein. Accordingly, no *prima facie* case has been established with respect to claims 6, 8, 9, 22, 23, 28, 29, 31, and 32 at least due to their dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 6, 8, 9, 22, 23, 28, 29, 31, and 32 under 35 U.S.C. § 103(a).

V. The Rejection of Claims 2, 19-21, and 26 under 35 U.S.C. § 103(a)

A. Claim 2

Claim 2 has been canceled, rendering the rejection moot with respect to claim 2.

B. Claims 19-21 and 26

Applicant respectfully traverse the rejection of claims 19-21 and 26. Claims 19-21 and 26 depend from claim 5, and require all of the elements recited in their respective base claims. As discussed above with respect to claim 5, *Scanlan* and *Kimura* do not render obvious “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5. *Lemelson* fails to cure the deficiencies of *Scanlan* and *Kimura*.

As discussed, *Lemelson* discloses a method for monitoring a person's geographic location and detecting emergency words in speech (*Lemelson*, abstract and col. 14, lines 27-44). *Lemelson* does not, however, set a translation accuracy based on whether an emergency word is spoken. Therefore, *Lemelson* does not teach or suggest “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why claims 19-21 and 26 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claims.

For at least the above reasons, no *prima facie* case has been established for claims 19-21 and 26 at least due to their dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 19-21 and 26 under 35 U.S.C. § 103(a).

VI. The Rejection of Claims 3, 4, 14, and 15 under 35 U.S.C. § 103(a)

A. Claims 3 and 4

Applicant respectfully traverse the rejection of claims 3 and 4. Claims 3 and 4 depend from claim 1, and require all of the elements recited in their respective base claims. As discussed above with respect to claim 1, *Scanlan*, *Kimura*, and *Lemelson* do not render obvious a setting unit that “sets the accuracy of translation based on a level of emergency as the level of importance, the level of emergency being higher as a feeling of emergency expressed in the source-language information becomes more intense” as recited by independent claim 1. *Letzt* fails to cure the deficiencies of *Scanlan*, *Kimura*, and *Lemelson*.

Letzt discloses an electronic health care compliance assistance system including a user device that generates voice messages to remind a user when and how to attend to various health matters (*Letzt*, abstract). *Letzt* further discloses raising the volume of audible messages if a user does not respond to the voice messages (*Letzt*, col. 7, lines 47-50). However, *Letzt* does not set translation accuracies. Therefore, *Letzt* fails to teach or suggest a setting unit that “sets the accuracy of translation based on a level of emergency as the level of importance, the level of emergency being higher as a feeling

of emergency expressed in the source-language information becomes more intense” as recited by independent claim 1.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why claims 3 and 4 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claims.

For at least the above reasons, no *prima facie* case has been established for claims 3 and 4 at least due to their dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a).

B. Claims 14 and 15

Applicant respectfully traverse the rejection of claims 14 and 15. Claims 14 and 15 depend from claim 5, and require all of the elements recited in their respective base claims. As discussed above, *Scanlan*, *Kimura*, and *Lemelson* do not render obvious “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5. *Letzt* fails to cure the deficiencies of *Scanlan* and *Kimura*.

As discussed, *Letzt* discloses an electronic health care compliance assistance system including a user device that generates voice messages to remind a user when

and how to attend to various health matters (*Letzt*, abstract). However, *Letzt* does not set a process accuracy or do so by comparing source language information with keywords. Therefore, *Letzt* fails to teach or suggest "a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords," as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why claims 14 and 15 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claims.

For at least the above reasons, no *prima facie* case has been established for claims 14 and 15 at least due to their dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 14 and 15 under 35 U.S.C. § 103(a).

VII. The Rejection of Claims 7 and 10 under 35 U.S.C. § 103(a)

Applicant respectfully traverse the rejection of claims 7 and 10. Claims 7 and 10 depend from claim 5, and require all of the elements recited in their respective base claims. As discussed above with respect to claim 5, *Scanlan* and *Kimura* do not render obvious "a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-

language information with the important keywords," as recited by independent claim 5.

Ueda fails to cure the deficiencies of *Scanlan* and *Kimura*.

Ueda discloses a document summarizing apparatus that summarizes a group of documents of diverse contents (*Ueda*, abstract). However, *Ueda* does not set a process accuracy based on keywords in the documents. Therefore, *Ueda* fails to teach or suggest "a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords," as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why claims 7 and 10 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claims.

For at least the above reasons, no *prima facie* case has been established for claims 7 and 10 at least due to their dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 7 and 10 under 35 U.S.C. § 103(a).

VIII. The Rejection of Claims 11 and 13 under 35 U.S.C. § 103(a)

Applicant respectfully traverse the rejection of claims 11 and 13. Claims 11 and 13 depend from claim 5, and require all of the elements recited in their respective base claims. As discussed above with respect to claim 5, *Scanlan* and *Kimura* do not render

obvious “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5.

Ushioda fails to cure the deficiencies of *Scanlan* and *Kimura*.

Ushioda discloses converting keywords from Japanese to English, retrieving documents, and comparing the documents with the keyword (*Ushioda*, abstract). However, *Ushioda* does not set a process accuracy based on keywords in the documents. Therefore, *Ushioda* fails to teach or suggest “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why claims 11 and 13 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claims.

For at least the above reasons, no *prima facie* case has been established for claims 11 and 13 at least due to their dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 11 and 13 under 35 U.S.C. § 103(a).

IX. The Rejection of Claims 16-18 under 35 U.S.C. § 103(a)

Applicant respectfully traverse the rejection of claims 16-18. Claims 16-18 depend from claim 5, and require all of the elements recited in their respective base claims. As discussed above with respect to claim 5, *Scanlan* and *Kimura* do not render obvious "a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords," as recited by independent claim 5. *Pertrushin* fails to cure the deficiencies of *Scanlan* and *Kimura*.

Pertrushin discloses a method for monitoring a conversation that includes detecting an emotion of one of the speakers (*Pertrushin*, abstract). However, *Pertrushin* does not set a process accuracy based on the emotion. Therefore, *Pertrushin* fails to teach or suggest "a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords," as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why claims 16-18 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claims.

For at least the above reasons, no *prima facie* case has been established for claims 16-18 at least due to their dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 16-18 under 35 U.S.C. § 103(a).

X. The Rejection of Claim 24 under 35 U.S.C. § 103(a)

Applicant respectfully traverse the rejection of claim 24. Claim 24 depends from claim 5, and requires all of the elements recited in claim 5. As discussed above with respect to claim 5, *Scanlan* and *Kimura* do not render obvious “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5. *Lazarri* fails to cure the deficiencies of *Scanlan* and *Kimura*.

Lazarri discloses speech synthesis based on concatenation of different acoustic units, including corpus-based methods (*Lazzari*, section 2.2). However, *Lazarri* does not disclose that the synthesis uses a level of importance determined by comparing keywords to either the corpus or the speech itself. Therefore, *Lazarri* fails to teach or suggest “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate

a reason why claim 24 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claim.

For at least the above reasons, no *prima facie* case has been established for claim 24 at least due to its dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claim 24 under 35 U.S.C. § 103(a).

XI. The Rejection of Claim 25 under 35 U.S.C. § 103(a)

Applicant respectfully traverse the rejection of claim 25. Claim 25 depends from claim 5, and requires all of the elements recited in claim 5. As discussed above with respect to claim 5, *Scanlan* and *Kimura* do not render obvious “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to compare the source-language information with the important keywords,” as recited by independent claim 5. *Okunishi* fails to cure the deficiencies of *Scanlan* and *Kimura*.

Okunishi discloses a translation system that sets a translation level based on a level of difficulty (*Okunishi*, col. 5, lines 58-60). The Examiner alleges that *Okunishi*'s system determines if a translation is provided based on levels of word importance (Office Action at p. 17). However, even assuming the Examiner is correct, *Okunishi* does not set a process accuracy based on a level of importance. Therefore, *Okunishi* fails to teach or suggest “a setting unit configured to set, based on the level of importance, a process accuracy ... [determined using] a comparison unit configured to

compare the source-language information with the important keywords," as recited by independent claim 5.

In view of the above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Examiner has failed to clearly articulate a reason why claim 25 would have been obvious to one of ordinary skill in view of the art. Therefore, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claim.

For at least the above reasons, no *prima facie* case has been established for claim 25 at least due to its dependence. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claim 25 under 35 U.S.C. § 103(a).

XII. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P

Dated: December 27, 2007

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